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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,917	08/02/2006	Jean-Claude Vandevoorde	35619-0238-00-US	3644

23973 7590 06/27/2008

DRINKER BIDDLE & REATH  
ATTN: INTELLECTUAL PROPERTY GROUP  
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EXAMINER
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HUYNH, LOUIS K

ART UNIT	PAPER NUMBER
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3721

MAIL DATE	DELIVERY MODE
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06/27/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/587,917	<b>Applicant(s)</b> VANDEVOORDE ET AL.	
	<b>Examiner</b> Louis K. Huynh	<b>Art Unit</b> 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,7-12 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 3-6 and 13-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/2/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7-10 & 17-20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 7, line 4: “the control track” lacks proper antecedent basis.
- Claim 8, line 2: “the unit” lacks proper antecedent basis.
- Claim 8, line 2: “the tracks” lacks proper antecedent basis.
- Claim 8, line 2: “the carriage” lacks proper antecedent basis.
- Claim 8, line 2: “the control tracks” lacks proper antecedent basis.
- Claim 8, line 3: “the installation frame” lacks proper antecedent basis.
- Claim 9, line 3: “the clamp” lacks proper antecedent basis.
- Claim 17, line 3: “the clamp” lacks proper antecedent basis.
- Claim 19, line 3: “the control track” lacks proper antecedent basis.
- Claim 20, line 1: “the unit” lacks proper antecedent basis.
- Claim 20, line 1: “the tracks” lacks proper antecedent basis.
- Claim 20, lines 1-2: “the carriage” lacks proper antecedent basis.
- Claim 20, line 2: “the control tracks” lacks proper antecedent basis.
- Claim 20, line 3: “the installation frame” lacks proper antecedent basis.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Vandevoorde (US 5,060,367).

- With respect to claims 1 & 11, Vandevoorde discloses an installation for fitting sleeves on bottles (6) that meets all of applicant's claimed subject matter; in particular, the installation of Vandevoorde comprises: a supplying device (1) for supplying sleeves (21); two pairs of transfer elements, each pair comprises two transfer elements (23), each transfer element is supported by a conveyor (circular plates 22), and a synchronizer (screw 4<sub>1</sub>).
- With respect to claims 7 & 19, as best understood, each transfer element (23) comprises a fixed section (24) and a moving section (25) cooperating with the fixed section (24) to clamp the sleeve (21).
- With respect to claims 8 & 20, as best understood, each transfer element comprises a control track (27) that is pivotally mounted on the conveyor (22).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3721

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vandevoorde (US 5,060,367).

The installation of Vandevoorde meets all of applicant's claimed subject matter but lacks the specific teaching of the synchronizer being an inlet star. Vandevoorde uses a screw (4<sub>1</sub>) for synchronizing the bottles (6) with the transfer elements (23) which serve the same function as the claimed inlet star. It is known in the art that star wheel and screw are both used for the purpose of regulating inlet spacing of article into packaging machine; therefore, it would have been obvious to a skilled person in the art, at the time of the invention, to have either uses a screw or an inlet star, as a matter of engineering designed choice, for synchronizing the bottles with the transfer elements.

#### ***Allowable Subject Matter***

7. Claims 3-6 & 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claim 9, 10, 17 & 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is cited on form PTO-892 along with the applied prior art.

Art Unit: 3721

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 8:00AM to 3:00PM.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 23, 20081

/Louis K. Huynh/  
Primary Examiner  
Art Unit 3721